

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

In re

YELLOWSTONE MOUNTAIN
CLUB, LLC,

Debtor

BRIAN A. GLASSER, SUCCESSOR
TRUSTEE OF THE YELLOWSTONE
CLUB LIQUIDATING TRUST,

Plaintiff,

vs

TIMOTHY L. BLIXSETH, CASA 20
LLC, TAMARINDO LLC, JOHN
DOES 1-100, and XYZ CORP. 1-100,

Defendants.

Case No. 08-61570-11
Adversary No. 09-00064

No. CV 13-68-BU-SEH

ORDER

On May 31, 2018, Plaintiff Brian A. Glasser, Trustee of the Yellowstone Club Liquidating Trust (“Trust”), and Defendant Timothy L. Blixseth (“Blixseth”)

jointly moved “for entry of an order releasing and discharging Blixseth from the requirements of this Court’s orders that he account for the proceeds of the sale of the Tamarindo Resort.”¹ On June 5, 2018, the Court granted the motion.²

The brief in support³ of the joint motion⁴ recited in part, the Trust “contemplates the Trust’s continued prosecution of the orders to show cause this Court entered against Phillip H. Stillman and Michael J. Flynn.”⁵ Notwithstanding that continued prosecution by the Trust of the orders to show cause entered on July 21, 2015,⁶ was “contemplated,” the Trust has failed to pursue and has taken no action to prosecute the orders to show cause entered against Stillman and Flynn in the more than five years that have passed since the show cause orders were issued. Failure to prosecute is clear.

ORDERED:

1. The orders to show cause against Michael J. Flynn⁷ and Philip H.

¹ Doc. 468.

² Doc. 474.

³ Doc. 469.

⁴ Doc. 468.

⁵ Doc. 469 at 4.


⁶ Docs. 249 and 266.

⁷ Doc. 249.

Stillman⁸ are VACATED, and are DISCHARGED WITHOUT PREJUDICE to refiling by the Trust in such separate proceedings against Michael J. Flynn and Philip H. Stillman as the Trust may be deem necessary and appropriate.

2. The Clerk is directed to close the case.

DATED this 25th day of February, 2021.



SAM E. HADDON
United States District Judge

⁸ Doc. 266.